

CHAPTER 282
DISCIPLINE FOR SOCIAL WORKERS

[Prior to 9/19/01, see 645—Chapter 280]

645—282.1(272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 645—13.1(272C), including civil penalties in an amount not to exceed \$1000, when the board determines that the licensee is guilty of any of the following acts or offenses:

282.1(1) Fraud in procuring a license.

282.1(2) Professional incompetency.

282.1(3) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

282.1(4) Habitual intoxication or addiction to the use of drugs.

282.1(5) Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee's ability to practice within the profession. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

282.1(6) Fraud in representations as to skill or ability.

282.1(7) Use of untruthful or improbable statements in advertisements.

282.1(8) Willful or repeated violations of the provisions of Iowa Code chapter 147.

282.1(9) Violation of rules promulgated by the board including the rules of conduct set out in rule 282.2(154C).

282.1(10) Personal disqualifications:

a. Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

b. Involuntary commitment for treatment of mental illness, drug addiction or alcoholism.

282.1(11) Holding oneself out as a licensed social worker when the license has been suspended or revoked.

282.1(12) Revocation, suspension, or other disciplinary action taken by a licensing authority of another state, territory, or country; or failure by the licensee to report in writing to the Iowa board of social work examiners revocation, suspension, or other disciplinary action taken by a licensing authority of another state, territory, or country.

282.1(13) Negligence by the licensee in the practice of the profession, which is a failure to exercise due care including negligent delegation to or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.

282.1(14) Prohibited acts consisting of the following:

a. Permitting another person to use the license for any purpose.

b. Practice outside the scope of a license.

c. Obtaining, possessing, or attempting to obtain or possess a controlled substance without lawful authority; or selling, prescribing, giving away, or administering controlled substances.

d. Verbally or physically abusing clients.

e. Any sexual intimidation or sexual relationship between a social worker and a client.

282.1(15) Unethical business practices, consisting of any of the following:

a. False or misleading advertising.

b. Betrayal of a professional confidence.

c. Falsifying clients' records.

282.1(16) Failure to report a change of name or address within 30 days after it occurs.

282.1(17) Falsification of continuing education records.

282.1(18) Failure to notify the board within 30 days after occurrence of any judgment or settlement of malpractice claim or action.

282.1(19) Failure to comply with a subpoena issued by the board.

282.1(20) Failure to report to the board any violation by another licensee of the reasons for disciplinary action as listed in this rule.

645—282.2(154C) Rules of conduct.

282.2(1) *Misrepresentations, disclosure.* A licensee shall not:

- a. Knowingly make a materially false statement, or fail to disclose a relevant material letter of reference, application, referral, report or other document.
- b. Knowingly allow another person to use the licensee's license or credentials.
- c. Knowingly aid or abet a person who is misrepresenting professional credentials or competencies.
- d. Impersonate another person or organizational affiliation in the licensee's professional practice.
- e. Further the application or make a recommendation for professional licensure of another person who is known by the licensee to be unqualified in respect to character, education, experience, or other relevant attributes.
- f. Fail to notify the appropriate licensing authority of any human service professional who is practicing or teaching in violation of the laws or rules governing that person's professional discipline.
- g. Engage in professional activities, including advertising, involving dishonesty, fraud, deceit, or misrepresentation.
- h. Advertise services in a false or misleading manner or fail to indicate in the advertisement the name, the highest relevant degree and licensure status of the provider of services.
- i. Fail to distinguish, or purposely mislead the reader/listener in public announcements, addresses, letters and reports, as to whether the statements are made as a private individual or whether they are made on behalf of an employer or organization.
- j. Direct solicitation of potential clients/patients for pecuniary gain in a manner or in circumstances which constitute overreacting, undue influence, misrepresentation or invasion of privacy.
- k. Misrepresent professional competency by performing, or offering to perform, services clearly inconsistent with training, education, and experience.
- l. Fail to advise and explain to each client/patient or potential client/patient the joint rights, responsibilities and duties involved in the professional relationship.
- m. Fail to provide each client/patient with a description of what the client/patient may expect in the way of tests, consultation, reports, fees, billing, therapeutic regimen, or schedule.
- n. Fail to provide each client/patient with a description of possible effects of proposed treatment when there are clear and established risks to the client/patient.
- o. Fail to inform each client/patient of any financial interests that might accrue to the licensee for referral to any other person or organization, or for the use of tests, books, or apparatus.
- p. Fail to inform each client/patient that the client/patient may be entitled to the same services from a public agency, if the licensee is employed by that public agency and also offers services privately.
- q. Fail to inform each client/patient of the limits of confidentiality, the purposes for which the information is obtained, and how it may be used.
- r. Make claims of professional superiority which cannot be substantiated by the licensee.
- s. Guarantee that satisfaction or a cure will result from the performance of professional services.
- t. Claim or use any secret or special method of treatment or techniques which the licensee refuses to divulge to professional colleagues.
- u. Take credit for work not personally performed whether by giving inaccurate information or failing to give accurate information.

282.2(2) Confidentiality. A licensee shall not:

- a. Reveal a confidence or a secret of any client/patient, except:
 - (1) As required by law;
 - (2) After obtaining consent of the client/patient following full disclosure of the information to be revealed and the persons to whom the information will be revealed; or
 - (3) If necessary, to defend the licensee or the licensee's employees or associates against an accusation of wrongful conduct made by that client/patient.
- b. Use a confidence or secret of any client/patient to the client/patient's disadvantage.
- c. Use a confidence or secret of any client/patient for the advantage of the licensee or a third person without obtaining the client/patient's consent, after full disclosure of the purpose.
- d. Fail to obtain written, informed consent from each client/patient or the client/patient's legal representative or representatives before electronically recording sessions with that client/patient, before permitting a third-party observation of the licensee and client/patient's activities, or before releasing information to a third party concerning a client/patient.
- e. When providing any client/patient with access to that client/patient's records, fail to protect the confidences of other persons that may be recorded in that record.
- f. Fail to exercise due diligence in protecting the confidences and secrets of the client/patient from disclosure by fellow employees and associates, or by other persons whose services are utilized by the licensee.
- g. Fail to maintain the confidences shared by colleagues in the course of professional relationships and transactions with those colleagues.

282.2(3) Integrity, propriety, objectivity. A licensee shall not:

- a. Make sexual advances toward, or engage in physical intimacies or sexual activities with, any client/patient or student of the licensee.
- b. Continue in a professional relationship with a client/patient when the licensee has become emotionally involved with the client/patient to the extent that objectivity is no longer possible in providing the required professional services.
- c. Practice in a professional relationship while intoxicated or under the influence of alcohol or drugs not prescribed by a licensed physician.
- d. Practice in a professional relationship while experiencing a mental or physical impairment that adversely affects the ability of the licensee to perform professional duties in a competent and safe manner.
- e. Perform professional services which have not been duly authorized by the client/patient or by the client/patient's legal representative or representatives.
- f. Exercise undue influence on any client/patient or student, including promotion of the sales of services, goods, appliances or drugs in a manner that will exploit the client/patient or student, for the financial gain or personal gratification of the licensee or of a third party.
- g. Continue to provide services or order tests, treatment, or use of treatment facilities not warranted by the condition of the client/patient.
- h. Fail to terminate the professional relationship when it is apparent that the service no longer serves the needs of the client/patient.
- i. When termination or interruption of service to the client/patient is anticipated, fail to notify the client/patient promptly and fail to seek continuation of service in relation to the client/patient's needs and preferences.
- j. Abandon or neglect a client/patient under and in need of immediate professional care, without making reasonable arrangements for continuation of that care.
- k. Physically or verbally abuse clients/patients or colleagues.

282.2(4) Research. If engaged in research, a licensee shall:

- a. Consider carefully the possible consequences for human beings participating in the research.
- b. Protect each participant from unwarranted physical and mental harm.
- c. Ensure that the consent of the participant is voluntary and informed.
- d. Treat information obtained as confidential.
- e. Not knowingly report distorted, erroneous, or misleading information.

282.2(5) Organization relationships. A licensee shall not:

a. Directly or indirectly offer, give, solicit, receive, or agree to receive any fee or other consideration to or from a third party for the referral of the client/patient or in connection with the performance of professional services.

b. Permit any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or a consultant to the licensee.

c. Solicit the clients/patients of colleagues or assume professional responsibility for clients/patients of another agency or colleague without appropriate communication with that agency or colleague.

d. Abandon an agency, organization, institution, or a group practice without reasonable notice or under circumstances which seriously impair the delivery of professional care to clients/patients.

e. Fail to maintain a record for each client/patient which accurately reflects the client/patient's contact with the service provider.

f. Deliberately falsify client/patient records for personal advantage.

g. Fail to submit required reports and documents in a timely fashion to the extent that the well-being of the client/patient is adversely affected.

h. Fail to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee.

i. Delegate professional responsibilities to a person when the licensee knows, or has reason to know, that the person is not qualified by training, education, experience, or classification to perform the requested duties.

282.2(6) General. A licensee shall not:

a. Practice without receiving supervision as needed, given the licensee's level of practice, experience, and need.

b. Perform services in an incompetent manner.

c. Practice a professional discipline without an appropriate license or after expiration of the required license.

d. Practice, condone, or facilitate any form of discrimination on the basis of sex, race, color, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical disability, or any other preference or personal characteristic, condition or status.

e. Make sexually harassing actions, comments, threats or enticements to clients/patients, colleagues or employees.

These rules are intended to implement Iowa Code sections 147.76, 147.55(3), 272C.4 and 272C.10.

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